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Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street SW
Washington DC 20054

November 12, 2003

Dear Commisioners,

Audubon New York, the New York State program of the National Audubon Society representing 50,000 members, respectfully submits the following comment in response to the Federal Communications Commission's Notice of Inquiry on the Effects of Communications Towers on Migratory Birds, WT DKT.NO. 03-187, FCC 03-205. We strongly urge the FCC to act now and implement preventative measures on all existing and new communications towers to prevent the unnecessary deaths of millions of birds.

In New York State, the number of communication towers has doubled since the 1980's, and by 2010 that number is expected to double again. The largest of these towers, in the 200'-500' range, are noticing the greatest rate of increase in production. Currently, New York does not have any guidelines, rules, or regulations that address the placement and construction of these communication towers. As these towers are proliferating at such a great rate, states and municipalities need strong Federal guidance to instruct them on how to appropriately locate and construct these towers in an environmentally sound manner.

The U.S. Fish and Wildlife Service (FWS) has developed such a set of guidelines for the siting and construction of communication towers by the FCC. These guidelines address the impacts cell towers have on birds. These measures, supported by the best available data, indicate that co-location, keeping towers under 200', avoiding guy wires, minimizing lighting, and using only white strobes at minimum required pulse rates would greatly reduce bird deaths.

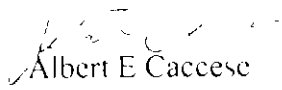
It has been estimated that communication towers kill between 5 and 40 million birds a year. We are also aware of FCC studies that indicate over 90% of the birds killed at cell towers are Neotropical migratory birds, most of which migrate and are killed at night. Alarminglly, the birds killed include several endangered species and over 50 species on the FWS Birds of Conservation Concern List (2002), meaning special attention is needed to properly manage these species. For example, the Canada Warbler is on the

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2002 list and a listing petition has been filed under the Endangered Species Act for this bird.

We strongly urge the FCC to adopt the FWS guidelines, which would reduce the numbers of birds killed by these towers and provide the appropriate direction for the development of these towers. Please see that the FCC complies fully with the Migratory Bird Treaty Act, the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and adopts measures that prevent further bird deaths at communication towers.

Sincerely,


Albert E. Caccese
Director of Conservation
and Government Relations
Audubon New York